

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

D'ANDRE M. ALEXANDER,

Plaintiff,

v.

EDWARD NIETZEL,

Defendant.

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Case No. 16-12071

Honorable Nancy G. Edmunds

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION [23]**

In a Report and Recommendation (R&R) issued on February 9, 2017 (Dkt. 23), Magistrate Judge Patricia Morris recommends that the Court deny Defendant's motion for summary judgment. (Dkt. 12.) Neither party has filed objections to the R&R, and the deadline for doing so has passed.<sup>1</sup> The parties' failure to file objections to the R&R waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Furthermore, the failure to object to the R&R releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). Nonetheless, having reviewed the R&R, the underlying motion, and the record, the Court concurs with the Magistrate Judge's analysis and therefore ACCEPTS and ADOPTS the R&R.

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<sup>1</sup> Upon Defendant's request, the Court extended the period of time for filing objections (Dkt. 25), but Defendant did not file an objection within that extended period. Defendant then informed the Court via email that he had no intention to file objections.

Accordingly, it is hereby ordered that Defendant's motion for summary judgment is DENIED.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: March 16, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 16, 2017, by electronic and/or ordinary mail.

s/Carol J. Bethel  
Case Manager